

**BOARD OF REAL ESTATE APPRAISERS  
BOARD MEETING MINUTES – February 1, 2005**

**MEMBERS PRESENT**

James Murphy  
David Adams  
Bruce Bell  
Walter Bowditch  
Kenneth Charest  
Joseph Herlihy  
Theodore Webersinn

**MEMBERS ABSENT**

**OTHERS PRESENT**

Carol Leighton, Administrator  
Dennis Smith, A.A.G.  
Susan Greenlaw, Board Clerk

**Location:** Central Conference Room    **Start:** 9:05 a.m.    **Adjourn:** 12:40 p.m.

**CALL TO ORDER**

The meeting was called to order at 9:05 a.m.

**AGENDA MODIFICATIONS**

A motion was made by Joseph Herlihy to move item D to the beginning of the agenda; seconded by Walter Bowditch. Unanimous.

**OLD BUSINESS**

**Action on Minutes of January 4, 2005 Meeting**

Amend the minutes to reflect that Joseph Herlihy abstained from voting on complaint presentations. A motion was made by Walter Bowditch to approve the minutes of the January 4, 2005 meeting as amended; seconded by James Murphy. Unanimous.

**Action on Tabled Applications/Items**

None to review.

**NEW BUSINESS**

**Review and Action on Letter from Michael T. Healy re: Rod Berube (#REA-172)**

The Board held a hearing on January 4, 2005 at which time Mr. Berube's license was suspended for a period of 27 months. Subsequently, Mr. Healy submitted a letter to the Board requesting clarification of the status of his license at the end of the suspension period. A motion was made by Walter Bowditch that Mr. Berube must submit a timely

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renewal for 2006 however that renewal will not be acted on until completion of the suspension period in March 2007; seconded by James Murphy. Adams, Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Theodore Webersinn to consider agenda item E before commencement of the hearing; seconded by David Adams. Unanimous.

**Review of Draft Letter to Real Estate Commission – Mandatory Disclosures for Broker Appraisals/Opinions of Market Value**

At the January 4 meeting the Board requested that Assistant Attorney General Dennis Smith draft a letter to the Real Estate Commission regarding the Board's interpretation of the statute relating to mandatory disclosures for broker appraisals/opinions of market value. A motion was made by Walter Bowditch to approve the draft letter as presented; seconded by James Murphy. Unanimous.

**Hearings**

The Chair opened the hearing in the matter of Thomas Pellerin. Mr. Pellerin was present and not represented by counsel. Assistant Attorney General Dennis Smith represented the State in this matter. James Smith, Esq. was present as Hearing Officer and Counsel for the Board. A motion was made by Joseph Herlihy to accept the withdrawal of Mr. Pellerin's appeal; seconded by Theodore Webersinn. Unanimous.

**Administrator's Report**

Survey update: Carol Leighton will prepare a draft survey for the Board to review.

**Complaint Officer's Report**

**#REA-176:** A motion was made by Theodore Webersinn to close the case and flag the file should the licensee reapply for licensure; seconded by Walter Bowditch. Adams, Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-181:** A motion was made by Walter Bowditch to accept the education submitted; seconded by James Murphy. Adams, Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#REA-205/206/207:** A motion was made by David Adams to dismiss upon finding no violation of Board statute or rules; seconded by James Murphy. Adams, Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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**#REA:210/211:** A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by James Murphy. Adams, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; Bell opposed; Herlihy abstained. Motion carried.

**Review and Action on Applications and Education**

NAME	APPLYING TO	OTHER INFORMATION	ACTION
APPLICANT #1	<p>REINSTATEMENT REQUEST FOR CR 120</p> <p>LIC EXPIRED 12/31/2002 APPLICATION WAS RECEIVED WITHIN THE 2 YEAR WINDOW FOR REINSTATEMENT</p> <p>MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = YES MIN 2500 EXP HRS MET?= RECORD INDICATES ORIGINAL 1500 HOURS APPROVED BY THE BOARD AT TIME OF TRANSITIONAL LICENSING IN 1991 PASSED THE CR EXAM? = YES</p>	<p>HAS A CRIMINAL CONVICTION</p> <p>HAS BEEN DISCIPLINED BY THIS BOARD</p> <p>WOULD NEED TO COMPLY WITH CURRENT WORK EXPERIENCE REQUIREMENT PER BOARD RULES CHAPTER 200 SECTION 4 AND 32MRSA §14025</p> <p>SEE ALSO 32MRSA §14031 2A – LICENSEE DOES NOT HOLD A VALID LICENSE IN ANY STATE</p> <p>STRONGLY RECOMMEND CURRENT 15 HR USPAP COURSE</p>	<p>MOTION BY WEBERSINN TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF CONFIDENTIAL MEDICAL INFORMATION; SECONDED BY MURPHY. UNANIMOUS.</p> <p>MOTION BY MURPHY TO EMERGE FROM EXECUTIVE SESSION; SECONDED BY HERLIHY. UNANIMOUS.</p> <p>MOTION BY HERLIHY TO DENY APPLICATION FOR REINSTATEMENT AND OFFER A CONSENT AGREEMENT REQUIRING 7 HOURS OF USPAP IN 60 DAYS; APPLICANT IS NOT ALLOWED TO SUPERVISE TRAINEES FOR A PERIOD OF TWO YEARS; AND APPLICANT HAS 30 DAYS TO ACCEPT THE CONSENT AGREEMENT; SECONDED BY WEBERSINN. UNANIMOUS.</p>

**July Meeting – Appraisal Subcommittee Audit**

Meeting rescheduled to July 12, 2005 in the Kennebec Room.

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**Correspondence**

Appraisal Standards Board – USPAP Q&A: Presented for informational purposes.

**Next Meeting Scheduled for March 1, 2005**

**OTHER BUSINESS**

Walter Bowditch reported that he will be absent from the March and April meetings.

James Murphy reported that he will be absent from the March meeting.

**ADJOURN**

Being no further board business the meeting was adjourned at 12:40 p.m.

Respectfully submitted,

Susan Greenlaw  
Board Clerk